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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,559	07/05/2001	Robert S. Daley	010299	5056
23696	7590	06/29/2006	EXAMINER	
QUALCOMM INCORPORATED			ELALLAM, AHMED	
5775 MOREHOUSE DR.			ART UNIT	
SAN DIEGO, CA 92121			PAPER NUMBER	
			2616	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,559

Applicant(s)

DALEY ET AL.

Examiner

AHMED ELALLAM

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 69-88 is/are pending in the application.
- 4a) Of the above claim(s) 88 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 69-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/21/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims **objected to because of the following informalities:

Regarding claim 22, the phrase "A computer program device" is recited in the preamble, however in the body of the claims there is no indication of how the computer program is affected in providing the claimed means plus function. In addition the "communication infrastructure" is understood from the specification of being part of the device. However in the context of claim 22 it appears that the infrastructure is not part of the "computer program device". Revision is required to avoid rejections under 35 US. 101.

In claim 26, the phrase "the logic means" lacks antecedent basis.

Claim 29 is a duplicate claim of claim 25.

Claim 88 depends from cancelled claim 30. Thus claim 88 is not considered in this office action.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 17-27, 29, 73-78, 80-82, 84, 86, and 87 are rejected under 35 U.S.C. 102(e) as being anticipated by Dalal, US 2002/0093931 A1.

Art Unit: 2616

As to independent claims 1, 11 and 22:

Regarding claim 1, with reference to figure 1 and 3, Dalal discloses voice over Internet (VOIP) system comprising:

Plurality of base stations 101-103 in connection with Mobile station controller (MSC) 140, (see figure 3), a plurality of mobile stations 111-114 for communicating between each other or to devices over the Internet 240, (the Internet implicitly connected to communication device(s), which reads on the claimed communication device), (the combination of any base station with the MSC reads on the claimed the least one infrastructure component), Dalal's mobile stations uses an over-the-air protocol different from Internet Protocol IP ((e.g., CDMA) see paragraphs [0023]-[0024], (claimed at least one infrastructure component communicating with one or more wireless devices using a wireless device over-the-air protocol different from Internet protocol (IP)), (the MSC and or Base station is interpreted as the claimed the least one logic component facilitating communication between a target wireless device and a communication device, the target wireless device not supporting IP),

Dalal further discloses undertaking functionality by the SDU (selection and distribution unit) that provides IP routing (IP router 355, figure 3) for data or voice between a mobile station and Internet 240, see paragraph [0043].

(Claimed transforming information in IP protocol to wireless device protocol; sending the information in wireless device protocol to the target wireless device; transforming information in wireless device protocol from the target wireless

Art Unit: 2616

device to IP protocol; and sending the information in 1P protocol toward the communication device).

Regarding claim 11, with reference to figure 1 and 3, Dalal discloses voice over Internet (VOIP) method comprising:

Plurality of base stations 101-103 in connection with Mobile station controller (MSC) 140, (see figure 3), a plurality of mobile stations 111-114 for communicating between each other or to devices over the Internet 240, (the Internet implicitly connected to communication device(s) for bidirectional communications between the communication device and the mobile unit), Dalal's mobile stations uses an over-the-air protocol different from Internet Protocol IP ((e.g., CDMA) see paragraphs [0023]-[0024], (claimed communicating information in IP to a wireless device not supporting IP, comprising: transforming the information in IP to an over-the-air (OTA) protocol, and transmitting the information in OTA protocol to the wireless device).

Regarding claim 22, with reference to figure 1 and 3, Dalal discloses voice over Internet (VOIP) system comprising:

Plurality of base stations 101-103 in connection with Mobile station controller (MSC) 140, (see figure 3), a plurality of mobile stations 111-114 for communicating between each other or to devices over the Internet 240, Dalal's mobile stations uses an over-the-air protocol different from Internet Protocol IP ((e.g., CDMA) see paragraphs [0023]-[0024], Dalal further discloses an SDU (selection and distribution unit) that provides IP routing (IP router 355, figure 3) for data or voice between a mobile station and Internet 240, see paragraph

Art Unit: 2616

[0043]. (Claimed means for converting information in IP from a communication system infrastructure to information in over-the-air (OTA) protocol packets to render first converted packets, means for converting information in OTA protocol packets from a wireless device to IP packets to render second converted packets, and means for providing communication between the wireless device and the infrastructure using the first and second converted packets).

Regarding claim 12, Dalal discloses undertaking functionality by the SDU (selection and distribution unit) that provides IP routing (IP router 355, figure 3) for data or voice between a mobile station and Internet 240 (to a communication device not shown), see paragraph [0043]. (Claimed transforming information in OTA protocol from the wireless device to IP and sending the information in IP toward a communication device).

Regarding claims 2, 25, 29 and 76 as indicated above the mobile stations uses a code division multiple access (CDMA).

Regarding claims 3, 4, 77 and 78, as indicated above the combination of the base station and MSC of Dalal for providing an interface between the CDMA protocol and IP protocol reads on the infrastructure component is a base station (BTS) (as in claims 3 and 77) and the infrastructure component is a base station controller (BSC) (as in claims 4 and 78).

Regarding claims 5, 17, and 80 as indicated above, Dalal's mobile stations use a CDMA protocol. (Claimed the wireless device protocol is an over-the-air (OTA) voice protocol).

Art Unit: 2616

Regarding claims 6 and 81, Dalal discloses IP routing between the base stations and Internet, see figure 3, (claimed the logic component converts OTA protocol packets to IP packets).

Regarding claims 7, 8 and 82, Dalal implicitly and by way of symmetry has other wireless unit (communication device) connected to the Internet in the same fashion as the mobile stations connected through base stations 101-103 (figure 3). (Claimed logic component converts IP packets to OTA protocol packets).

Regarding claims 9 and 84, the CDMA wireless protocol of Dalal uses spreading and dispreading as part of the CDMA wireless communications (claimed the wireless device protocol is a spread spectrum protocol).

Regarding claims 10, 21, 23 and 24, as indicated above Dalal using CDMA protocol and the IP routing reads on the claimed OTA protocol voice packet has a size less than the size of an IP packet, because the packet size of the voice over IP is relatively large compared to the packet size of voices using CDMA (see for example prior art admission, specification paragraph [0006]).

Regarding claims 18, 19 and 20, as indicated above the combination of the base station and MSC of Dalal for providing an interface between the CDMA protocol and IP protocol. (Claimed converting OTA protocol packets to IP packets in claim 18 and converting IP packets to OTA protocol packets as in claim 19).

Art Unit: 2616

Regarding claim 26, the system of Dalal inherently has executable logic (claimed logic means), because that is required for the different components of the base stations and MSC to function as known in the art.

Regarding claims 27, Examiner interpreted the combination of the base station and MSC of Dalal for providing an interface between the CDMA protocol and IP protocol of being the claimed component is a base station or a base station controller).

Regarding claim 73, Dalal discloses having voice and data packet communication separation at the MSC, see paragraph [0044]. (Claimed information represents digitized voice, or digital data, or digitized image data).

Regarding claims 86 and 87, Dalal routes packet to and from the Internet using IP router 355 and without using vocoder 352 (IP packets do not require vocoding and devocoding). (Claimed the infrastructure component is part of a communications infrastructure undertaking no vocoding as in claim 86 and first wireless device communicates with a second wireless device in a call, and the method includes not undertaking tandem vocoding in the call as in claim 87).

Regarding claim 74 and 75, with reference to figure 1 and 3, Dalal discloses voice over Internet (VOIP) system comprising:

Plurality of base stations 101-103 in connection with Mobile station controller (MSC) 140, (see figure 3), a plurality of mobile stations 111-114 for communicating between each other or to devices over the Internet 240, (the Internet implicitly connected to communication device(s), which reads on the claimed communication device), (the combination of any base station with the

Art Unit: 2616

MSC reads on the claimed the least one infrastructure component), Dalal's mobile stations uses an over-the-air protocol different from Internet Protocol IP ((e.g., CDMA) see paragraphs [0023]-[0024], (claimed at least one infrastructure component communicating with one or more wireless devices using a wireless device over-the-air protocol different from Internet protocol (IP)), (the MSC and or Base station is interpreted as the claimed the least one logic component facilitating communication between a target wireless device and a communication device, the target wireless device not supporting IP),

Dalal further discloses undertaking functionality by the SDU (selection and distribution unit) (claimed logic component that provides IP routing (IP router 355, figure 3) for data or voice between a mobile station and Internet 240, see paragraph [0043]. (Claimed transforming information in IP protocol to wireless device protocol, sending the information in wireless device protocol to the target wireless device, transforming information in wireless device protocol from the target wireless device to IP protocol, and sending the information in 1P protocol toward the communication device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2616

3. Claims 13-16, 28, 69-72, 79, 83 and 85 are rejected under 35 U.S.C.

103(a) as being unpatentable over Dalal.

Regarding claims 13 and 28, Dalal discloses all the limitations of respective base claim 11 and 22 as indicates above, except it doesn't specify associating the wireless device with an IP address based at least in part on a location of the wireless device.

However, associating a wireless device with an IP address based on at least a location of the wireless device is well known in the art. It would have been obvious to a person of skill in the art at the time the invention was made to associate the wireless devices of Dalal with IP addresses (for example the IP address of the associated base station) so that IP traffic from remote communication devices can be routed to the proper base station that is in communication with a specific wireless device. The advantage would be the ability to route IP traffic to closest base station the mobile unit resides.

Regarding claim 14, Dalal discloses having the base station and the MCS for providing communication for the mobile units. (Claimed method is undertaken by a communication system infrastructure component).

Regarding claims 15 and 16, as indicated above with regard to base claim 11, the combination of the base station and MSC of Dalal provides an interface between the CDMA protocol and IP protocol reads on the infrastructure component is a base station (BTS) (as in claim 15) the infrastructure component is an MSC, (as in claim 16).

Art Unit: 2616

Regarding claims 70 and 72, as indicated above, Dalal discloses the wireless device protocol being CDMA but doesn't specify the wireless protocol can be selected from a group of protocols consisting of: CDMA, WCDMA, TDMA, TD-SCDMA, UMTS.

However, these protocols are well-established standards protocols used in of wireless communications systems. It would have been obvious to a person of skill in the art at the time the invention was made to modify the method/system of Dalal to be used not only for CDMA over-the-air wireless devices but also to the existing wireless devices implementing any known standard such as WCDMA, TDMA, TD-SCDMA, UMTS so that these wireless devices can communicates over the Internet. It is also more profitable to Dalal's to be capable to provide a variety of services for a larger number of subscribers.

Regarding claims 69, 71 and 79, Dalal discloses all the limitations of respective base claim 1 and 11 as indicates above, except it doesn't disclose the base station being a gateway for satellite communication system.

However, Examiner take official notice that gateway for satellite communications is well known in the art. Since official action is taken, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made to have a base system component of Dalal being a gateway for satellite communication so that non-IP mobile unit can communicate with remote communication devices using satellite communication system. The advantage would be the ability to provide worldwide communications between the wireless

Art Unit: 2616

units of Dalal and any other communication device that may be reached over the satellite communication system.

Regarding claim 83, Dalal implicitly and by way of symmetry has other wireless units (communication device) connected to the Internet in the same fashion as the mobile stations connected through base stations 101-103 (figure 3).

Regarding claim 85, as indicated above Dalal using CDMA protocol and the IP routing reads on the claimed OTA protocol voice packet has a size less than the size of an IP packet, because the packet size of the voice over IP is relatively large compared to the packet size of voices using CDMA (see for example prior art admission, specification paragraph [0006].

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: see Form PTO-892.

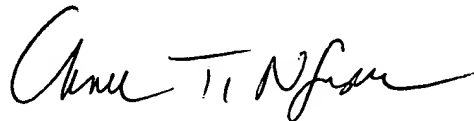
Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, To Doris can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.E
Examiner
Art Unit 2616
6/26/06

A handwritten signature in black ink, appearing to read "Chau Nguyen", written in a cursive style.

CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600